

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Lawrence L. Crawford, #300839,)
aka Jonah Gabriel Jahjah T. Tishbite,)
Petitioner,)
vs.) Civil Action No.:0:08-0822-TLW-BM
State of South Carolina; and)
McKither Bodison, Warden of Lieber)
Correctional Institution,)
Respondents.)

)

ORDER

On March 10, 2008, the petitioner, Lawrence L. Crawford, (“petitioner”) proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 alleging that he is in custody in violation of the Constitution of the United States. (Doc. #1). The case was automatically referred to Magistrate Judge Bristow Merchant, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC. On March 14, 2008, Magistrate Judge Merchant issued an order, advising petitioner that the case must be brought into proper order or it would be subject to dismissal.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Merchant, to whom this case had previously been assigned. (Doc. #15). In the Report, Magistrate Judge Merchant recommends that this Court dismiss the petition *without prejudice and without requiring the respondents to file a return*. (Doc. #15). The petitioner has filed objections to the Report. (Doc. #17).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #15). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that petitioner's petition be dismissed *without prejudice and without requiring the respondents to file a return.* (Doc. #1)¹

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten
United States District Judge

August 18, 2008
Florence, South Carolina

¹Petitioner filed two additional motions and one supplement. In the first filing, the petitioner moves to consolidate this case with another case filed by petitioner. (Doc. #18). The petitioner supplemented the motion to consolidate. (Doc. #22). The petitioner's second motion is for removal or transfer of the case. (Doc. #24). The Court has considered the motions and **denies** them.